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City of Brighton

500 S. 4th Avenue  
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, December 15, 2020

6:00 PM

Virtual Meeting

## **City Council**

**MAYOR - GREGORY MILLS**

**MAYOR PRO TEM - MATT JOHNSTON**

**COUNCIL MEMBERS:**

**CLINT BLACKHURST, ADAM CUSHING,  
MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,  
ANN TADDEO, TIM WATTS**

### **1. CALL TO ORDER**

*Mayor Mills called the meeting to order at 6:00 p.m.*

#### **A. Pledge of Allegiance to the American Flag**

*Councilmember Pollack led the recitation of the Pledge of Allegiance to the American Flag.*

#### **B. Roll Call**

**Present:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst,  
Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli,  
Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

### **2. APPROVAL OF REGULAR AGENDA**

*Mayor Pro Tem Johnston asked to suspend Rule 2B and move Item 15A the Executive Session after Item 5.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve the Regular Agenda as amended. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst,  
Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli,  
Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

### **3. CONSENT AGENDA**

#### **A. Approval of the November 10, 2020 City Council Minutes**

#### **B. Approval of the November 17, 2020 City Council Minutes**

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RATIFYING THE MAYORAL APPOINTMENTS TO THE CITY OF BRIGHTON YOUTH COMMISSION FOR TERMS ENDING IN MAY OF 2022

Resolution No: 2020-129

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING VIVIAN HINDMAN AS A YOUTH MEMBER TO THE CITY OF BRIGHTON PARKS AND RECREATION ADVISORY BOARD WITH A TERM TO JUNE 2022

Resolution No: 2020-130

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING DIANA HERNANDEZ AS A YOUTH MEMBER TO THE CITY OF BRIGHTON HISTORIC PRESERVATION COMMISSION WITH A TERM TO JUNE 2022

Resolution No: 2020-131

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING GIANA ROCHA AS A YOUTH MEMBER TO THE CITY OF BRIGHTON PLANNING COMMISSION WITH A TERM TO JUNE 2022

Resolution No: 2020-132

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING REAGEN HINDMAN AS A YOUTH MEMBER TO THE CITY OF BRIGHTON PLANNING COMMISSION WITH A TERM TO JUNE 2022

Resolution No: 2020-133

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING JOHN MORSE AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION WITH A TERM TO JANUARY 2025

Resolution No: 2020-134

- I. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING OLIVER SHAW AS A WARD 1 MEMBER OF THE PLANNING COMMISSION WITH A TERM TO JANUARY 2025

Resolution No: 2020-135

- J. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE USE OF CARES FUNDING FOR THE IMPLEMENTATION, FUNDING, AND ADMINISTRATION OF COMMUNITY GRANTS AND FOR COVID-19 MOBILE TESTING, AND PROVIDING THE CITY MANAGER AUTHORITY TO ADJUST USE OF FUNDS TO ENSURE FULL EXECUTION OF THE GRANT

Resolution No: 2020-136

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Johnston, to approve the Consent Agenda as presented. Motion passed by the following vote:

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

#### **4. CEREMONIES**

#### **5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)**

#### **15. EXECUTIVE SESSION**

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to go into Executive Session at 6:08 p.m. for discussion of a personnel matter under C.R.S. Section 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees regarding the Deputy Municipal Judge. Motion passed by the following vote:

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

*Mayor Mills reconvened the meeting at 7:17 p.m.*

#### **6. PUBLIC HEARINGS**

#### **7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW**

##### **A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 0.488 ACRES OF CONTIGUOUS LAND, IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; KNOWN AS THE NEFF REMAINDER PROPERTY ANNEXATION (FINAL READING)**

*Mayor Mills read the title of the Ordinance into the record.*

*Assistant Planner Sean Pesek explained that this is the final reading and there have not been any changes since first reading.*

*Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

Motion by Councilmember Watts, seconded by Councilmember Taddeo, to approve Ordinance 2347. Motion passed by the following vote:

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

##### **B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ANNEXATION AGREEMENT FOR THE APPROXIMATELY 0.488 ACRES OF CONTIGUOUS LAND, IN THE NORTHWEST**

**¼ OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; TO BE KNOWN AS THE NEFF REMAINDER PROPERTY ANNEXATION**

*Mayor Mills read the title of the Resolution into the record.*

*City Manager Jane Bais DiSessa introduced Assistant Planner Sean Pesek.*

*Assistant Planner Sean Pesek presented the Annexation Agreement for the Neff Remainder property. There were minor edits made to the Annexation Agreement that in no way change the nature or intent of the Annexation Agreement and were related to formatting. The final version that will be signed is different from the version in the agenda packet. The property is located east of North 60<sup>th</sup> Avenue and Baseline Road just outside of Brighton city limits. The property is being annexed because the developer has proposed some improvements directly related to the Ridgeline Vista Subdivision. The Ridgeline Vista Subdivision was annexed in two pieces, the first annexation in the mid 1980's, the Neff Annexation Agreement, and the second was in 2018 and the obligations for that property are set forth in the Neff II Annexation Agreement.*

*The purpose of an Annexation Agreement is to identify the terms that would apply to the development of the property including transportation, water dedication and water and sewer. After reviewing the existing Annexation Agreements and the size of the parcel, the intended zoning designation for the annexed piece and the intended uses, it was determined that a new Annexation Agreement would not be necessary. Staff proposes that the annexor and City agree to the obligations as set forth in the Neff II Annexation Agreement and those obligations shall apply to the Neff Remainder Property with an added condition that the dedication of right-of-way and related roadway improvements for Baseline Road. There are two other obligations for water dedication, if anything is constructed on the property that requires water dedication, the annexor would be required to meet those dedication requirements and connections to water, sewer and stormwater facilities if warranted in the future. Staff finds that the Annexation Agreement is in line with City codes, plans and policies and recommends approval.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Resolution 2020-137. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A ZONING MAP AMENDMENT OF AN APPROXIMATELY 0.388 ACRE AREA OF LAND, TO BE KNOWN AS THE NEFF REMAINDER PROPERTY, GENERALLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, TO ZONING DESIGNATION OF OPEN SPACE (O) (FINAL READING)**

*Mayor Mills read the title of the Ordinance into the record.*

*City Manager Bais DiSessa explained that this is a zoning map amendment and the final reading of the Ordinance.*

**Motion by Councilmember Blackhurst, seconded by Mayor Pro Tem Johnston, to approve Ordinance 2348. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

## **8. ORDINANCES FOR INITIAL CONSIDERATION**

### **A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF TITLE 3 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO THE SALES TAX CODE**

*Mayor Mills read the title of the Ordinance into the record.*

*City Manager Bais DiSessa introduced Sales Tax Manager Ana LeScoeze.*

*Sales Tax Manager Ana LeScoeze presented the proposed amendments to Chapter 3, Tax Code of the Municipal Code. These changes will clarify when remote sellers have to collect and remit and changes to clarify the licensing section. To clarify when remote sellers have to collect and remit sales tax, it is necessary to add and amend some definitions and to specify the duties of marketplace facilitators and marketplace sellers. A marketplace facilitator would be a company like Amazon or eBay that have a platform to facilitate sales. The state has created tools to make it easier for all businesses to collect and remit. The state centralized filing portal allows businesses to file in one place for all participating Home Rule Cities. Brighton will not require them to be licensed if they are occasional sellers. The state also has a Colorado Sales Tax lookup tool where any business or person can look up any location in the state and find their location to determine what is taxable in the area and the tax rate that applies. This tool is very beneficial for small businesses. This Ordinance brings the Code in line with the 2018 Wayfair v. South Dakota Supreme Court Case. Since this court case, the State of Colorado and over twenty Home Rule Cities have passed Ordinances similar to the Ordinance being presented.*

*The changes to licensing include some clarifications such as allowing the City to specify an expiration date for a license. A food truck must obtain a Temporary Use Permit from Community Development, which is typically valid for ninety days. This allows the City to specify that a Business License would expire when the Temporary Use Permit expires. Language is being added to clarify that a business must comply with City Codes, not just sales tax. The language adds an exemption for certain contractors licensed through the Building Department and removes licensing language from the Lodging section. There is a Code section that references sales made within twenty miles of the state border, this does not apply to Brighton so this has been removed. The Ordinance would add seize cash and cash equivalent options for enforcement. This happens infrequently and would be used as a last resort. The new language allows the process to be more efficient for all parties involved.*

**Motion by Councilmember Cushing, seconded by Councilmember Taddeo, to approve the Ordinance. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

### **B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH ALMOST HOME FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY**

*Mayor Mills read the title of the Ordinance into the record.*

*City Manager Bais DiSessa introduced Senior Management Analyst Nicole Samson.*

*Senior Management Analyst Nicole Samson explained that the presentation covers Items 8B, 8C, 8D and 10A. These items are all related to non-profit organizations renting space at Historic City Hall. On November 10, 2020, City Council allowed the City Manager to market Historic City Hall as a community service facility for organizations that provide services to residents or for the broader community to locate there. The proposed rental rate on the leases is equitable for all four organizations. While the rental rate will not recoup the full cost*

to operate Historic City Hall, the funds will help to offset the costs the City would need to cover if the building were vacant. The leases will be for the calendar year and would end on December 31, 2021. Staff informed the parties interested in leasing space that the rental rate will increase in 2022 if Council decides to renew leases at the end of next year.

Council will be voting to approve three leases and one agreement. The first is a new lease with Almost Home, a non-profit organization that is expanding their housing services to residents. At this time, they have more staff than their current space allows. Historic City Hall is their preferred location because it is on a bus route and would help the people they serve. It is also beneficial because their partner agency, the Brighton Housing Authority is located in the same building. The Brighton Housing Authority is in support of Almost Home collocating into Historic City Hall as both organizations serve the same populations and this would make it easier for Brighton residents to have their housing questions answered. The leases with the American Highland Cattle Association and the Rocky Mountain Quarter Horse Association are renewals. Both of the organizations have been renting space at Historic City Hall since 2011 and are both up to date on their rental payments. The Memorandum of Agreement with the Brighton Housing Authority is due for renewal. This agreement now includes a monthly rental amount and language to clarify that the Housing Authority will report all their payroll costs under their own Federal ID Number. The leases are approved by Ordinance and will require a second reading on January 5, 2021. The Memorandum of Agreement is approved by Resolution and if approved, would take effect January 1, 2021.

There are three other non-profits in Historic City Hall along with the Brighton Economic Development Corporation and the Brighton History Museum. Staff is currently in discussions with the three non-profit organizations regarding leasing space. Staff is gathering information about relocating Municipal Court services to the building.

Staff recommends approval of the Ordinances and the Agreement because the rental income would help to defray the costs of utilities and general maintenance of the property. It allows the City to provide a reasonably priced office space for local non-profit organizations serving Brighton residents. This supports the City's goal to foster strong relationships with public and private partners.

Senior Management Analyst Samson, Finance Director Ostrom and City Manager Bais DiSessa answered questions from Council regarding:

- Modifications being planned to better secure the building.
- The customers having to be let into the building.
- The Police Department using the lower level.
- The amount Almost Home and the other tenants are paying for rent.
- All tenants being caught on their payments.
- The tenants that cannot pay.
- Staff providing the requested information on City owned properties.
- Locations to accommodate the homeless population in the City.
- Rents being raised in increments to get to market rate.
- There being commercial for profit businesses in Historic City Hall.
- The cost of the leases help to cover some of the costs at Historic City Hall.

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve the Ordinance. Motion passed by the following vote:**

<b>Aye:</b>	9 -	Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst,
	Councilmember	Cushing, Councilmember Humbert, Councilmember Jordinelli,
	Councilmember	Pollack, Councilmember Taddeo, and Councilmember Watts

**C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH ROCKY MOUNTAIN QUARTER HORSE ASSOCIATION FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY**

*Mayor Mills read the title of the Ordinance into the record.*

*Finance Director Maria Ostrom, City Attorney Jack Bajorek and City Manager Bais DiSessa answered questions from Council regarding:*

- *The cost of the leases helping with the costs at Historic City Hall.*
- *The lease rate being more than what they are currently paying.*
- *The tenants expected to move out of Historic City Hall if the lease is not approved.*
- *The person responsible for the real estate transactions and marketing City properties.*

**Motion by Councilmember Humbert, seconded by Councilmember Taddeo, to approve the Ordinance. Motion passed by the following vote:**

**Aye:** 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,  
Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

**No:** 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

**D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH AMERICAN HIGHLAND CATTLE FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY**

*Mayor Mills read the title of the Ordinance into the record.*

*Senior Management Analyst Samson answered questions from Council regarding:*

- *The length of time this tenant has been leasing this space.*

**Motion by Councilmember Cushing, seconded by Councilmember Taddeo, to approve the Ordinance. Motion passed by the following vote:**

**Aye:** 7 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing,  
Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

**No:** 2 - Mayor Pro Tem Johnston, and Councilmember Pollack

*Mayor Mills called for a break at 8:37 p.m.*

*Mayor Mills reconvened the meeting at 8:48 p.m.*

**E. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CREATING ARTICLE 3-30 OF THE BRIGHTON MUNICIPAL CODE TO TEMPORARILY CAP THIRD-PARTY RESTAURANT DELIVERY FEES WITHIN THE CITY**

*Mayor Mills read the title of the Ordinance into the record.*

*City Manager Bais DiSessa introduced Assistant City Manager Michael Martinez, Finance Director Maria Ostrom and City Attorney Jack Bajorek.*

*Assistant City Manager Michael Martinez presented the Ordinance regarding the third party delivery fees and how the City would enact the third party fee cap.*



Finance Director Maria Ostrom explained that there has been a rise in third party delivery fees due to the pandemic as restaurants are using these parties to get food to customers. The fee is typically between 15% and 30% as a charge to the restaurant and another fee that the delivery company is charging directly to the customer. When ordering through the delivery app, the restaurant is paying 25% of the cost of the menu item to the third party delivery company. The customer is also paying another \$8.00 delivery fee as well. Both parties are paying into the third party delivery service. After all other costs for a restaurant, they have 10% to 12% profit. When the 25% to 30% third party delivery fees are added, there is not really a profit for the restaurant, which makes it difficult and cumbersome. This Ordinance would cap third party delivery fees at 15% cost of the transaction. The third party company would have to ensure that they have a voluntary agreement with the restaurant to use the delivery platform. Fee disclosures would be required so the customer would receive a receipt with the costs listed out including sales tax, delivery charges, tips and the fees being paid by the restaurant. This Ordinance would sunset on April 30, 2021 or sooner if operations are no longer restricted and restaurants could operate at full capacity. The Ordinance does direct the Finance Department to investigate complaints, there would be a \$100 penalty if the third party service was found to have violated the Ordinance and there are hearing and appeals procedures if they wanted to contest the penalty.

Assistant City Manager Michael Martinez, City Attorney Jack Bajorek and Finance Director Maria Ostrom answered questions from Council regarding:

- The restaurant charging more per item and where that profit goes.
- The ability for the City to enforce the fees.
- The number of times the \$100 fine is charged.
- The timeframe for this to become effective.
- The number of cities that have placed a cap in the state of Colorado.
- The entities that have put a cap on these fees.
- The fees being kept around 15%.
- Any cities having been sued for placing a cap on the fees.
- This action helping residents and businesses in the City.
- The restaurant paying sales tax revenue to the City on the full menu price.
- The fees coming out of pocket to pay the remainder of the full menu price.
- This action benefitting local restaurants.
- The ability to cap what a restaurant charges for food.
- The ability for this to be applied only to locally owned restaurants.
- The other entities that have approved this.
- The City businesses suffering immediate problems and closures if Doordash and Grubhub left Brighton.
- The \$100 fine occurring once or could be for multiple transactions.
- The company getting away with several violations before there is a complaint.

**Motion by Councilmember Watts, seconded by Councilmember Jordinelli, to approve the Ordinance. Motion failed by the following vote:**

**Aye:** 4 - Councilmember Blackhurst, Councilmember Jordinelli, Councilmember Pollack, and Councilmember Watts

**No:** 5 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Cushing, Councilmember Humbert, and Councilmember Taddeo

## **9. ORDINANCES FOR FINAL CONSIDERATION**

### **A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF THE BRIGHTON MUNICIPAL CODE IN CHAPTER 17, LAND USE AND DEVELOPMENT CODE, RELATED TO FAMILY CHILD CARE HOMES, TEMPORARY USES, STORAGE USES, AND ADJUSTMENTS TO PROCESSES AND PROCEDURES**

*Mayor Mills read the title of the Ordinance into the record.*

*City Manager Bais DiSessa explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

*Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Ordinance 2349. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

## **10. RESOLUTIONS**

### **A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BRIGHTON, COLORADO, AND THE HOUSING AUTHORITY OF THE CITY OF BRIGHTON AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT**

*Mayor Mills read the title of the Resolution into the record.*

**Motion by Councilmember Pollack, seconded by Mayor Pro Tem Johnston, to approve Resolution 2020-138. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

### **B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE ADAMS COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF LAW ENFORCEMENT AND ADMINISTRATIVE PERSONNEL, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY, AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID IGA ON BEHALF OF THE CITY**

*Mayor Mills read the title of the Resolution into the record.*

*City Manager Bais DiSessa introduced Chief of Police Paul Southard.*

*Chief of Police Paul Southard presented the IGA with Adams County Sheriff's Office for terminal guard coverage for the NCIC and CCIC terminal. The Adams County Sheriff has provided coverage for over twenty years and since 2017, the City and the Sheriff's Office have entered into an IGA for the terminal coverage. NCIC and CCIC rules require a ten-minute response to requests for confirmation in cases of runaways, stolen vehicles, found and stolen property or anything entered into or checked in the system. The Sheriff's Office would continue to provide coverage from 10:00 p.m. to 6:00 a.m. in 2021. The 2021 annual assessment will be \$33,553.84 and this has been incorporated into the 2021 budget. If this IGA is not approved, the Police Department would have to hire two additional staff members at an estimated cost of \$105,000 per year.*

**Motion by Councilmember Pollack, seconded by Councilmember Blackhurst, to approve Resolution 2020-139. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

## 11. UTILITIES BUSINESS ITEMS

### Resolutions

#### **A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF VELOCITY CONSTRUCTORS INC. AND AWARDING THE CONTRACT FOR THE NON-POTABLE POND PUMP STATION, PROJECT #20-006492, TO VELOCITY CONSTRUCTORS INC. IN THE AMOUNT OF ONE MILLION ONE HUNDRED FORTY EIGHT THOUSAND EIGHT HUNDRED FIFTEEN DOLLARS (\$1,148,815), AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

*Mayor Mills read the title of the Resolution into the record.*

*City Manager Bais DiSessa introduced Utilities Engineer Roy Gallea.*

*Utilities Engineer Roy Gallea presented the Non-Potable Pond Pump Station construction project. The non-potable irrigation pond is located east of the Oasis Water Park. This pond gets water from the Fulton Ditch; it is then pumped across Southern Street and feeds the Brighton Memorial Parkway, Benedict Park, Southeast Elementary School lawns, some of Brighton High School and Vikan Middle School Ball Fields, and Carmichael Park. Some current operational issues affecting the City is sediment buildup from the Fulton Lateral in the pond, inefficient pump placement within the wet well, an ineffective backwash discharge location and lack of access to the intake structures for repair and maintenance. The design was approved by Council on September 17, 2019 to RESPEC Engineering. It was realized during design that the package pump station was going to take a long time to manufacture and that was brought to Council on January 21, 2020 and COVID delayed the process further. RESPEC Engineering completed the design of the project and plans were advertised in October 2020. With award tonight, the plan is to have the installation of the pump station and completion of site work prior to the start of the 2021 irrigation season. It is important to approve the project because some of the parks are currently using potable water. The potable supply is currently just below demand on peak irrigation days and there is a need to reduce the load on the water treatment plant. Expansion of the non-potable system is critical to ensuring residents have enough potable water for non-irrigation uses. A formal bid process was done resulting in eight bids. Velocity Constructors, Inc. was selected through the evaluation process based on being the most responsive and responsible bidder. The total construction cost for Velocity Constructors, Inc. is \$1,148,815. The improvements to the Non-Potable Pump Station project would provide a reliable solution to the non-potable irrigation system along Southern Street, help reduce the need for potable water to serve irrigation needs and provide capacity for increased flows, reducing the need to upsize the pump station in the future.*

*The Construction Oversight piece of the project is Item 11B. With a project of this size, and having structural items in the design, staff needs to ensure that what the contractor builds conforms to the design. Staff is requesting a change order from the design engineer RESPEC for construction oversight. Their services are based on a time and materials amount of \$114,514. RESPEC will help oversee the review submittals, attend progress meetings and perform inspections, answer any design questions from the contractor during construction and assist the contractor with startup and project closeout during construction. Utilities Engineer Gallea answered questions from Council regarding:*

- This pump station serving many parks and sports fields for the School District.*
- The ability for this pump station to service City Hall and Carmichael Park.*
- There being any difficulty for the Fulton Shares to provide this water.*
- Some Fulton Shares needing to be used for irrigation purposes.*
- Clarification on the use of the City's Fulton Shares.*
- The lines being used for non-potable to serve these parks.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve Resolution 2020-140. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING CHANGE ORDER #3 OF RESPEC COMPANY LLC., AND APPROVING AMENDMENT #3 TO THE CONTRACT FOR NON-POTABLE POND PUMP STATION, PROJECT #19-023, TO RESPEC COMPANY LLC UP TO THE REQUESTED AMOUNT OF ONE HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$114,514), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO SIGN AMENDMENT #3 ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

*Mayor Mills read the title of the Resolution into the record.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve Resolution 2020-141. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

## **12. GENERAL BUSINESS**

### **A. Review of COVID Statistics**

*Assistant City Manager Michael Martinez spoke about the overall numbers and stated that the overall numbers are looking better in the State of Colorado.*

*Emergency Management Coordinator Stephanie Hackett presented the Covid statistics for the City, County and the State.*

### **B. Brighton Urban Renewal Authority (BURA) Member Interview Discussion**

*City Council discussed the ability for the Brighton Urban Renewal Authority applicants to be interviewed by City Council permanently.*

*City Attorney Jack Bajorek stated the City Council reserves the right to interview any candidate. City Council can amend the Policy Regarding the Interview and Appointment Procedures for City Board, Commission and Authority Members to include the Brighton Urban Renewal Authority to the list of Boards that City Council interviews.*

**Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to interview the Brighton Urban Renewal Authority applicants until further notice. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

## **13. REPORTS**

### **A. By the Mayor**

*Mayor Mills updated City Council on the upcoming meetings.*

**B. By Department Heads**

**C. By the City Attorney**

**D. By the City Manager**

*City Manager Bais DiSessa attended the Planning Commission meeting.*

#### **14. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

*Mayor Pro Tem Johnston attended the E-470 meeting.*

*Councilmember Watts attended the Fire District meeting.*

*Councilmember Taddeo attended the Planning Commission meeting.*

*Councilmember Blackhurst attended the Youth Commission meeting.*

*Councilmember Jordinelli attended the Cultural Arts Committee meeting and the Link meeting.*

*Councilmember Humbert attended the Housing Authority meeting and the Historic Preservation Commission meeting.*

#### **15. EXECUTIVE SESSION**

*This item was moved after Item 5.*

#### **16. ADJOURNMENT**

*Mayor Mills adjourned the meeting at 10:53 p.m.*

**CITY OF BRIGHTON, COLORADO**

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Gregory Mills, Mayor

**ATTEST:**

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Natalie Hoel, City Clerk

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Approval Date